



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(121)

CR-9550-2025(O&M)

Date of Decision:-19.12.2025

OM PARKASH

... Petitioner

Versus

ARVINDER SINGH

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Dixit Garg, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. Petitioner filed this petition for setting aside the order dated 07.11.2025 passed by the learned Appellate Authority, Ludhiana whereby the appeal filed by the petitioner against the provisional assessment of rent by the Rent Controller vide order dated 28.04.2022 has been dismissed.

2. Respondent-landlord filed an ejectment petition seeking ejectment of the petitioner from the demised premises on grounds specified in the East Punjab Urban Rent Restriction Act, 1949 and one of the grounds was that petitioner is in arrears of rent. Rent agreed was Rs.6,000/- per month and petitioner is in arrears of rent since October, 2016. Petitioner appeared and filed written reply taking a plea that rent was only Rs.2,200/- per month and that he is in possession of the premises since 1987 and respondent has paid rent of Rs.24,200/- for 11 months in the shape of cheques or cash on dated 23.08.2017 and 25.09.2017. Thereafter, the learned Rent Controller vide order dated 28.04.2022 assessed the provisional rent and a direction was given to the petitioner to pay a sum of Rs.4,78,880/- as provisionally assessed rent along with interest and cost.

3. An appeal was filed by the petitioner against the provisional assessment order. That appeal after hearing the petitioner was dismissed vide



impugned order dated 07.11.2025. Petitioner has filed this revision petition assailing the order on the grounds that Rent Controller while passing the impugned order has failed to consider the judgment of Hon'ble Apex Court in ***Rakesh Wadhawan versus M/s Jagdamba Industrial Corporation, 2002 (2) Rent Law Reporter 36***, and that learned Rent Controller has committed gross illegality in assessing the rent as claimed by the landlord/respondent and ignored the basic purpose of the provisional assessment of the rent.

4. I have heard counsel for the petitioner at length.

5. The learned Appellate Authority has not found any illegality or perversity in the findings recorded by the learned Rent Controller while assessing the provisional rent. The findings of the learned Appellate Authority as contained in Para 4 of the impugned order is as under:

4.. After hearing the learned counsel from both the sides, this court is of the considered view that admittedly, a rent petition was filed by the petitioner/respondent on the grounds of non payment of rent with the averments that the demised premises was taken on rent by the father of respondent at the rate of Rs.2,200/- per month apart from the property tax and water supply charges in the year 1987 After than death of his father, respondent become tenant in the demised shop. The respondent was making the payment of rent at the rate of Rs.6,000/- per month against proper receipts and thus rent stood paid upto September, 2016. As the respondent failed in making the payment of rent after September, 2016 and thus petitioner filed the rent petition. During the pending petition, on the basis of pleadings of parties, the then learned Rent Controller, Khanna assessed the rate of rent as Rs.6,000/- per month from October, 2016 till date. It is pertinent to mention here that it is an admission on the part of the appellant that his father has taken the shop in question on rent in the year 1987 at the rate of Rs.2,200/- per month. The rate of rent was increased from time to time. The appellant contended that he is a handicapped person and has no other source of income except that of the shop in question. The rate of rent has been contended by respondent/petitioner as Rs.6,000/- per month, but the appellant contended the same being Rs.2,200/- per month. As has been stated above, the learned Controller assessed the rate of rent as Rs.6,000/- per month since October, 2016. It is pertinent to mention here that the learned Rent

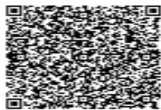


Controller, has made the provisional assessment of rent at the rate of Rs.6,000/- per month by observing that the appellant was paying the rent against proper receipts. Even otherwise the rent has been assessed at the rate of Rs.6000/- per month for the shop and seems to be reasonable for the shop in question was taken on rent in the year 1987 at the rate of Rs.2,200/- pr month.

6. I have given my thoughtful consideration of the contentions of counsel for the petitioner.

7. Petitioner is claiming the rent was fixed as Rs.2,200/- per month, whereas the learned Rent Controller while assessing the provisional rent has taken into consideration the entire material placed on record by both the parties. Respondent has placed on record a cheque issued by son of the petitioner amounting to Rs.18,000/- for the rent of month of October, November and December and respondent has also placed on record rent receipts from June, 2015 till September, 2016 showing the rate of rent at Rs.6,000/- per month. The receipts are duly signed by the petitioner. On the other hand, petitioner has placed on record an account statement showing that he has paid an amount of Rs.12,000/- twice on 23.08.2017 and 25.09.2017 and after considering the rent receipts and other material on record, the Rent Controller has assessed the rate of rent at Rs.6,000/- per month and has assessed the provisional rent after deducting the payments reflected in the account statement placed on record by the petitioner, so, there is no material on record from which, it can be inferred that the rate of rent was Rs.2,200/- per month and the learned Rent Controller has duly considered the judgment of Hon'ble Apex Court in ***Rajesh Wadhawan versus M/s Jagdamba Corporation (supra)***.

8. In view of this, I find that there is no illegality, perversity in the order passed by the learned Appellate Authority and no interference in the



revisional jurisdiction of this Court is called for. As such, the instant petition stands dismissed.

9. As a natural corollary, since the main case stands dismissed, all pending miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them pending.

19th December, 2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No